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REMARKS

Rejection of Claims 1-2, 4-6, 8-10, 12-14, 16-18, 20-22, 24-26, 28-30, 32-34 and 36 under 35 U.S.C. 103(a)

Claims 1-2, 4-6, 8-10, 12-14, 16-18, 20-22, 24-26, 28-30, 32-34 and 36 were rejected under 35 U.S.C. 103(a) as obvious over US2003/0027751('751) and US2001/0056068 ('068) for the reasons of record.

The Examiner kindly granted an interview to discuss the '751 reference and a teleconference was held on September 7, 2006 at 3 pm EST. Present during the interview were the inventors, Drs. Tofovic and Jackson, as well as representatives from the licensor, PR Pharmaceuticals, Drs. Schmidt and Piche, and counsel-of-record, Dr. McCallum.

During the teleconference, Dr. Jackson characterized paragraph 0175 of the '751 patent as actually teaching away from the invention. The first sentence from this paragraph is cited in its entirety below with the relevant portions under-lined:

> [0175] Factors which reduce naturally occurring anti-angiogenic factors (e.g., an endostatin (or fragment thereof, such as the collagen XVIII fragment), angiotensin (or fragment thereof, such as the plasminogen fragment), thrombospondins (e.g., thrombospondin-1), the 16 kDa fragment of prolactin, and vasostatin (or calreticulin)), Cartilage-derived inhibitor (CDI), CD59 complement fragment, Gro-beta, Heparinases, Heparin hexasaccharide fragment, Human chorionic gonadotropin (hCG), IFNs, Interferon inducible protein (IP-10), IL-12, Kringle 5 (plasminogen fragment), 2-Methoxyestradiol, Placental ribonuclease inhibitor, Plasminogen activator inhibitor, Platelet factor-4 (PF4), Proliferin-related protein (PRP), Retinoids, Tetrahydrocortisol-S, other anti-angiogenic C-X-C chemokines, and/or vasculostatin also can be suitable for co-administration with the fusion protein, polynucleotide, or vector.

In reducing the confusing sentence to the relevant portion, it states that, "[f]actors which reduce naturally occurring anti-angiogenic factors (e.g., 2-methoxyestradiol) also can be suitable for co-administration with the fusion protein, polynucleotide, or vector."

Additionally, paragraph 0179 of the '751 reference states, "[t]he angiogenic fusion protein and vector compositions of the invention can be used to treat a wide variety of ailments including, e.g. ... pulmonary hypertension...

Thus, the two sentences cited above teach that reduction of 2-methoxyestradiol may be helpful in the treatment of pulmonary hypertension in direct contrast to Applicant's invention directed to the administration of 2-methoxyestradiol (an increased level of 2-methoxyestradiol) for the treatment of pulmonary hypertension.

The Examiner agreed with Applicant's characterization of the reference and orally withdrew the rejection.

In view of the foregoing, Applicants respectfully submit that all rejections under 35 U.S.C. 112 and 35 U.S.C. 103(a) have been overcome. Accordingly, Applicants believe that Claims 1-2, 4-6, 8-10, 12-14, 16-18, 20-22, 24-26, 28-30, 32-34 and 36 are in condition for allowance subject to a post-allowance search to be conducted by the Examiner.

Respectfully Submitted,

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Date

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